



Docket: A-1028con

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
Foerster et al.

Group Art Unit: 3733

Serial No: 08/858,389

Filed: May 19, 1997

Examiner: B. Koo

For: METHODS AND DEVICES FOR MARKING  
AND DEFINING TISSUE

Assistant Commissioner for Patents  
Washington, D.C. 20231

R/Kent  
7-23-98  
#6/B  
§ Election

**AMENDMENT AND RESPONSE TO**  
**RESTRICTION/ELECTION REQUIREMENT**

Sir:

In response to the Examiner's Office Action of May 12, 1998, please amend the above identified application as follows:

**IN THE CLAIMS**

Please cancel claims 19-34, without prejudice to the right of Applicant to refile these claims in a divisional application.

Please amend claim 1 as follows:

1. (amended) A device for marking a particular tissue area within a human body to identify [a selected location] said particular tissue area for a later diagnostic or therapeutic procedure, comprising:

a discrete marker element;[and]

an apparatus for remotely delivering said marker element from outside the

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